

**Michigan Department of Licensing and Regulatory Affairs  
Michigan Occupational Safety and Health Administration (MIOSHA)**

MIOSHA General Industry Safety & Health Division  
530 West Allegan Street  
P.O. Box 30644  
Lansing, MI 48909  
Phone: (517) 284-7750 Fax: (517) 284-7755



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## Citation and Notification of Penalty

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**To:**

SET Enterprises Inc  
and its successors  
36211 S Huron Rd  
New Boston, MI 48164

**Inspection Number:** 1225387  
**Inspection Date(s):** 04/17/2017 - 06/26/2017  
**Issuance Date:** 09/08/2017

**Inspection Site:**

36211 S Huron Rd  
New Boston, MI 48164

**Reporting ID:** 0552652  
**CSHO ID:** K7964  
**Optional Report Number:**

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**SUMMARY:** An inspection at the site noted above has revealed conditions we believe do not comply with the provisions of the Michigan Occupational Safety and Health Act, Act 154, of the P.A. of 1974, as amended (MIOSSH Act). The nature of such alleged violation(s) is described on the citation(s) with reference to the applicable standards, rules, regulations, orders and provisions of the Act. Following is a list of items the employer must consider carefully, to resolve the issues alleged in the citation(s). Following this numbered summary is a more detailed explanation of the requirements.

1. The violation(s) alleged in the citation(s) must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated". If the line is marked "Immediately Upon Receipt," the violation must be corrected on or before the date that the citation is received by the employer. If the violation was corrected during the inspection, the line will be marked "Abated." or "Corrected during inspection." Correcting a violation does not eliminate the requirement to pay the penalty nor does payment of the penalty negate having to correct the violation.
2. A copy of the citation(s) must be posted at or near the location of the violation(s) for a minimum of 3 days or until the item(s) have been corrected, whichever is later.
3. Documentation of abatement must be provided to the issuing division. Failure to provide such documentation may result in a follow-up inspection.
4. The employer may enter into a Penalty Reduction Agreement (PRA) that can result in a 50% reduction in any assessed penalties. The employer should apply for a PRA online at [www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra) within 5 workdays upon receiving a citation(s) if interested. An employer without access to a computer may contact the issuing division to request a PRA.
5. The employer may file a first appeal for modification or dismissal of a citation item and/or any proposed penalty or request an extension of time for abatement. **The appeal must be in writing and be postmarked within 15 workdays of receipt (workday is defined below).** The first appeal can also result in a penalty reduction of up to 50%. If an appeal is untimely, the citation(s) become a Final Order of the Board of Health and Safety Compliance and Appeals (Board) and is no longer subject to review by the issuing division. An employee or employee representative may appeal abatement dates.
6. Except under a PRA monetary penalties must be paid within 15 workdays of a citation becoming a Final Order of the Board.
7. The employer may file a request for an extension of time to abate a citation(s) that has become a Final Order of the Board. Such a request must be in writing and received or post marked no later than 1 working day following the abatement date.
8. It is unlawful to discriminate against an employee for exercising any of their rights under MIOSHA.

Note: As defined in statutes, “workday” or “working day” means any day other than a Saturday, Sunday, or state legal holiday. The state legal holidays are:

January 1, New Year’s Day  
The third Monday in January, Martin Luther King, Jr. Day  
February 12, Lincoln’s birthday  
The third Monday of February, Washington’s birthday  
The last Monday of May, Memorial or Decoration Day  
July 4, Independence Day  
The first Monday in September, Labor Day  
The second Monday in October, Columbus Day  
November 11, Veterans’ Day  
The fourth Thursday of November, Thanksgiving Day  
December 25, Christmas Day

Please note whenever January 1; February 12; July 4; November 11; or December 25 fall on a Sunday, the next Monday following is deemed a public holiday (non-working day) for appeal purposes. However, there is no compensating day when one of the five dated holidays falls on a Saturday. Also, when computing the 15 working days, you do not count the date on which it is received; you start with the next working day. Additionally, the count is based on when the citation was received at the employer’s location, not when it got to any particular person or office at the employer’s location.

**I–CITATIONS:** The nature of the alleged violation(s) is described on the enclosed citation(s). These conditions must be corrected on or before the date(s) shown in the line marked “Date By Which Violation Must Be Abated.” The issuing division may be contacted by telephone at the number indicated on the front of the citation for the purpose of discussing any issues related to the inspection or citation(s).

A copy of the citation(s) must be posted at or near the location of the violation for a minimum of 3 days or until the items have been corrected, whichever is later. The MIOSH Act provides for civil penalties of up to \$7,000 for each violation for failure to comply with posting requirements.

When compliance is achieved, a copy of the citation must be signed and returned to the issuing division along with documentation of abatement.

Documentation of abatement for citation items originally classified as “serious,” “repeat,” “fail-to-abate,” “willful,” or “instance-by-instance,” require documentation as deemed appropriate by the issuing division. Examples of documentation for these violation classifications are:

- (a) A detailed description of how the violation was abated.
- (b) Work orders or an invoice indicating the corrective work that has been done.
- (c) Photographs of the abated conditions.
- (d) Other forms of conclusive evidence that your employees are no longer exposed to the hazard.

For citation items classified as “other,” submitting to the issuing division a signed copy of the citation item indicating the item has been abated is acceptable documentation of abatement. Submitting a document in writing, certifying abatement of the particular citation item is also acceptable for citation items classified as “other.”

If the employer does not provide adequate documentation of abatement, a re-inspection may be conducted. Failure to correct an alleged violation within the abatement period may result in new or additional proposed penalties.

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement of correcting the violation.

**II–PENALTY REDUCTION:** In addition to the appeal rights afforded by the MIOSH Act, the Michigan Occupational Safety and Health Administration has implemented a program for negotiating an expedited settlement of penalties with the employers known as a Penalty Reduction Agreement (PRA). This is a program designed to reach abatement of the hazard at the earliest possible opportunity and reduce the need for formal appeals. The penalty reduction (PRA) can result in a penalty reduction of 50% provided the issuing division and the employer agree to a number of specified conditions. These conditions include an agreement by the employer to accept all of the citations issued and to:

- (a) Not appeal further.
- (b) Abate all items within the abatement period.
- (c) Provide proof of abatement.
- (d) Pay all agreed upon penalties as required (within 15 working days of approval of the PRA.)
- (e) Abide by any other mutually agreed upon actions.

Inspections involving a fatality, the Severe Violator Enforcement Program (SVEP), or willful citations are not eligible for the program. Construction citations must be confirmed as corrected by the issuing division before a penalty reduction agreement can be approved.

If you are interested in pursuing a PRA, you should apply online at [www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra) **within 5 workdays upon receipt of the citation(s)**, but no later than the 15th workday beyond receipt of the citation(s). If you do not have access to a computer, you should contact the issuing division within the same timeframe to request a PRA. If the employer wishes to accept the conditions stated above and the process can be completed within 15 workdays from receipt, then no appeal need be filed.

**III–CITATION APPEAL:** An employer may file a first appeal to the issuing division in writing for modification or dismissal of a citation item and/or any proposed penalty or an extension of time for abatement. The first appeal can also result in a penalty reduction of up to 50% providing the issuing division and the employer agree to the conditions (a) through (e) as stated in Section II, PENALTY REDUCTION (above).

An employee or employee representative may appeal in writing the reasonableness of the abatement date(s). The envelope containing an appeal must be postmarked no later than the 15th workday following receipt of the citation.

If a citation is not appealed within 15 workdays of receipt, then the citation becomes a Final Order of the Board of Health and Safety Compliance and Appeals (Board). Final Order citations are not subject to review by the issuing division unless the Bureau of Hearings establishes good cause for the late appeal.

An appeal must specify the item(s) appealed and that portion of the item (e.g., violation, abatement date, penalty) which is being appealed and include a certification that the appeal has been posted or given to affected employees or their representatives. If the issuing division meets with the employer to discuss an appeal, the issuing division will notify the employee representative and allow attendance at the meeting.

The issuing division will notify an employer of its decision within 15 workdays of the receipt of the employer's written appeal. The decision must be posted at the location of the subject citation.

If an employer, employee or employee representative is not satisfied with this decision then they may file a second appeal. The appeal must be in writing and the envelope containing the second appeal must be postmarked within 15 workdays of the receipt of the issuing division's decision on the first appeal. If the issuing division's decision is not appealed then the citation becomes a Final Order of the Board.

**IV–PAYMENT OF MONETARY PENALTIES:** Unless subject to a PRA, payment must be made within 15 workdays of the date a proposed penalty of a citation becomes a Final Order of the Board. This would be the 30th workday after receipt of each citation item that is not appealed. For payment of a penalty, make a check or money order payable to the "State of Michigan" and remit to the issuing division at the address shown on the citation. Please record the inspection number, citation and item number on the check, money order or transmittal letter.

**V–EXTENSION OF TIME TO ABATE:** An employer may file a petition for modification of abatement date(s) (PMA) on an item of a citation, which has become a Final Order of the Board. The PMA must be submitted to the issuing division in writing by personal delivery or postmarked no later than one day following the abatement date, and a copy posted near the place the citation was posted. An employer must have made a good faith effort to correct the violation by the abatement date, and has or will not be successful because of factors beyond the employer's reasonable control. A PMA must include:

- (a) Steps taken to achieve compliance.
- (b) The specific additional abatement time necessary.
- (c) The reasons the additional time is needed.
- (d) Available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.
- (e) A certification that a copy of the PMA has been posted for employees at the location of the subject citation.

The posted copy must remain posted for a minimum of 10 workdays.

If the issuing division or affected employees file an objection to the PMA within 10 workdays of the employer's filing date, the Board will schedule a hearing and advise the employer of the date, time, and place of the hearing.

**VI–EMPLOYEE DISCRIMINATION:** Section 65 of the MIOSH Act, prohibits discrimination by an employer against an employee for filing a complaint or exercising any rights under the MIOSH Act, as amended. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, they may file a complaint with the MIOSHA Employee Discrimination Section within 30 days after the violation occurs.

**VII-STATE CONSULTATION EDUCATION AND TRAINING SERVICES:** The MIOSHA Consultation Education and Training (CET) Division offers a wide range of services to help businesses with their health and safety practices. CET services include: helping employers create a Safety and Health Management System, seminars and workshops, onsite consultations, hazard surveys, an equipment loan program and information material. The majority of CET services are provided free of charge to Michigan employers and employees. For information on these services, contact the CET Division at (517) 284-7720 or visit their web site at [www.mi.gov/miosha](http://www.mi.gov/miosha).

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**Inspection Date(s):** 04/17/2017 - 06/26/2017  
**Issuance Date:** 09/08/2017  
**Optional Reporting Number:**

**Citation and Notification of Penalty**

**Company Name:** SET Enterprises Inc  
**Inspection Site:** 36211 S Huron Rd, New Boston, MI 48164

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**Citation 1 Item 1**

Type of Violation: **Serious**

408.10034(9): GI PART 1, GENERAL PROVISIONS

When an employee is exposed to a hazard created by a pinch point other than point of operation, the hazard shall be guarded or the employee otherwise protected.

(There was an inadequately guarded pinch point approximately 3-feet by 10-inches on the Herr Voss Stamco Syncro Line Rolls between the top and bottom of the frame. Employees hit a single button to activate closing within 24-inches of the pinch point.)

**Date By Which Violation Must be Abated:**

**October 11, 2017**

**Proposed Penalty:**

**\$4,500.00**

**Citation 1 Item 2**

Type of Violation: **Serious**

408.12462(1): GI PART 24, MECHANICAL POWER PRESSES

A point of operation guard shall meet the following design, construction application, and adjustment requirements:

- (a) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under, or around the guard.
- (b) It shall conform to the maximum permissible openings of table 1 and figure 1, except that a barrier guard may have feed holes for the stock, which shall be of such size and distance from the die as to prevent entry of a hand or finger of each operator into the point of operation or nip point.
- (c) It shall, in itself, create no pinch point between the guard and moving machine parts.
- (d) It shall utilize fasteners not readily removable by the operator so as to minimize the possibility of misuse or removal of essential parts.
- (e) It shall facilitate its inspection.
- (f) It shall offer maximum visibility of the point of operation consistent with the other requirements.

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(There is no point of operation guard on the rear side of the Ace press when employees are performing 2-side out cuts. Employees on rear side during 2-side-out operations can reach into the point of operation while press is running in automatic/continuous mode.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$4,500.00**

#### **Citation 1 Item 3**

Type of Violation: **Serious**

408.12611(a): GI PART 26, METALWORKING MACHINERY

An employer shall provide training to each employee as to the potential hazards and safe operation of the assigned job.

(An employee was not trained on the hazards of the re-coiler on the Braner 60-inch slitter. Employee was trained by line leader to slide hand across rotating metal to check for bumps or dents.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$4,500.00**

#### **Citation 1 Item 4**

Type of Violation: **Serious**

408.13393(1): GI PART 33, PERSONAL PROTECTIVE EQUIPMENT

An employer shall base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection related to all of the following:

- (a) The task or tasks to be performed.
- (b) Conditions present.
- (c) Duration of use.
- (d) The hazards and potential hazards identified.

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(Employees required to handle metal were provided gloves that were not suitable for repeated contact with oily, sharp metal pieces coming off a blanking press. There were two recorded cases of laceration in 2017, and three recorded lacerations in 2016. The leather gloves provided become saturated with oil and fall apart. They do not provide adequate cut protection from sharp metal edges.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$4,500.00**

Citation 1 Item 5

Type of Violation: **Serious**

1910.147(f)(3)(ii)(D): GI PART 85, THE CONTROL OF HAZARDOUS ENERGY SOURCES  
(LOCKOUT/TAGOUT) [REF 408.18502]

Each authorized employee shall affix a personal lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when he or she begins work, and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained.

(Employees assigned to remove scrap from the Ace Press Basement did not install a lock on the press. Employees relied on maintenance to lockout energy sources of machine.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$3,600.00**

Citation 2 Item 1

Type of Violation: **Repeat-Serious**

408.10015(1): GI PART 1, GENERAL PROVISIONS

Materials, including scrap and debris, shall be piled, stacked, or placed in a container in a manner that does not create a hazard to an employee. All places of employment, aisles, passageways, storerooms, and service rooms

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**Company Name:** SET Enterprises Inc  
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shall be kept clean and orderly.

SET Enterprises was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 1, General Provisions, 408.10015(1), which was contained in MIOSHA inspection number 1076236, citation number 2, item number 1, issued on 10-16-2015, with respect to a workplace located at 36211 S. Huron Rd., New Boston, MI 48164.

(Various sized oily metal shards/cuttings from the Ace Press are allowed to accumulated to a depth of 12 inches or more in the pit. Employees are required to stand on the metal cuttings for cleaning of the pit.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$30,000.00**

Citation 2 Item 2

Type of Violation: **Repeat-Serious**

408.11449(1): GI PART 14, CONVEYORS  
A reciprocating conveyor shall have inside and outside nip points guarded.

SET Enterprises was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 14, Conveyors, 408.11449(1), which was contained in MIOSHA inspection number 1076236, citation number 1, item number 6, issued on 10/16/2015, with respect to a workplace located at 36211 S. Huron Rd., New Boston, MI 48164.

(Piler cart wheels of the Ace Press were exposed and created in-running nip points when the piler cart exited piler pits in the following locations:  
a. Piler 1, right front wheel.  
b. Piler 2, right front wheel.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$25,000.00**

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**Company Name:** SET Enterprises Inc  
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**Citation 2 Item 3**

Type of Violation: **Repeat-Serious**

408.12631(4): GI PART 26, METALWORKING MACHINERY

An automatically fed squaring shear shall be guarded by a barrier so located to prevent access to the point of operation.

SET Enterprises was previously cited for a violation of this occupational safety and health standard or its equivalent standard, GI Part 26, Metalworking Machinery, 408.12631(4), which was contained in MIOSHA inspection number 1076236, citation number 1, item number 10, issued on 10/16/2015, with respect to a workplace located at 36211 S. Huron Rd., New Boston, MI 48164.

(There was a hinged guard propped open with a piece of metal on the rear side of the Stamco slitter squaring shear, near the operator station that allowed access to the point of operation. Guard opening was approximately 28-inches by 6-inches.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$25,000.00**

**Citation 3 Item 1**

Type of Violation: **Other-than-Serious**

408.11843(6): GI PART 18, OVERHEAD AND GANTRY CRANES

A transmitter for a radio-controlled crane shall be stored in a locked cabinet or in a supervised storage area when not in use.

(The radio controller for the ZENAR 22-ton overhead crane for the Ace Press was left stored on a steel coil.)

**Date By Which Violation Must be Abated:** **October 11, 2017**

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**Citation and Notification of Penalty**

**Company Name:** SET Enterprises Inc  
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**Proposed Penalty:** **\$0.00**

Citation 3 Item 2

Type of Violation: **Other-than-Serious**

408.22129(1): ADM PART 11, RECORDING AND REPORING OF OCCUPATIONAL INJURIES AND ILLNESSES

You must use MIOSHA 300, 300-A, and 301 forms, or equivalent forms, and shall complete the forms in the detail required by the forms and the instructions contained in the forms for the purpose of recording recordable injuries and illnesses. The MIOSHA 300 form is called the log of work-related injuries and illnesses.

(Column F on the 2017 MIOSHA 300 logs was missing the following information:

- a. Entry 1, object/substance that directly injured or made person ill.
- b. Entry 2, object/substance that directly injured or made person ill.
- c. Entry 4, object/substance that directly injured or made person ill.
- d. Entry 5, injury or illness.)

**Date By Which Violation Must be Abated:** **October 11, 2017**  
**Proposed Penalty:** **\$1,000.00**

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**Authorized Signature**

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**Optional Reporting Number:**  
**CSHO ID:** K7964

## PROPOSED PENALTY INVOICE

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**Company Name:** SET Enterprises Inc  
**Inspection Site:** 36211 S Huron Rd  
New Boston, MI 48164

**Summary of Penalties for Inspection Number:** 1225387

Citation 1 Item 1, Serious	\$4,500.00
Citation 1 Item 2, Serious	\$4,500.00
Citation 1 Item 3, Serious	\$4,500.00
Citation 1 Item 4, Serious	\$4,500.00
Citation 1 Item 5, Serious	\$3,600.00
Citation 2 Item 1, Repeat-Serious	\$30,000.00
Citation 2 Item 2, Repeat-Serious	\$25,000.00
Citation 2 Item 3, Repeat-Serious	\$25,000.00
Citation 3 Item 1, Other-than-Serious	\$0.00
Citation 3 Item 2, Other-than-Serious	\$1,000.00

**TOTAL PROPOSED PENALTIES:** **\$102,600.00**

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty.  
Payment of the penalty does not eliminate the requirement of correcting the violation.

The state does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Payment must be made within 15 working days of the date a proposed penalty of a citation item becomes a final order of the board. This would be the thirtieth (30<sup>th</sup>) working day after receipt of each citation item which is not appealed. For the payment of any penalty, make a check or money order payable to the "State of Michigan" and remit to the Department of Licensing and Regulatory Affairs at the address shown on the citation. PLEASE RECORD THE APPLICABLE INSPECTION NUMBER, CITATION NUMBER(S) AND ITEM NUMBER(S) ON THE CHECK, MONEY ORDER OR YOUR TRANSMITTAL LETTER.

**Enclose this invoice page (or a copy thereof) with your payment.**

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**Authorized Signature**